

personally performed and interpreted either the technical or professional component of the imaging services to obtain payment for services related to the technical or professional component of providing the imaging services.

(3) (a) A health care provider subject to Subsection (2)(b) shall provide the patient with the following disclosure:

"The most important element of a physician-patient relationship is trust. Therefore, as your doctor, I am ethically obligated to tell you that I have a conflict of interest. Either myself or a member of my family has a beneficial interest in a facility or a compensation arrangement with a facility that performs MRI, CT, or PET scanning. ~~§→ [All of these tests have been shown to be subject to self-referral abuse.]~~ ←§ I am also required to tell you under both federal and state law, that you have a choice in which imaging facility you are sent to. Here is a list of other facilities that can perform the work needed within a 25 mile radius. Having competition makes us all better."

(b) The disclosure required by Subsection (3)(a) shall be:

(i) read out loud to the patient by the health care provider;

(ii) delivered in writing to the patient at the time the disclosure is read to the patient;

and

(iii) witnessed and signed by a third party.

(4) A health care provider who provides the disclosure required by Subsection (3) shall submit the following information on a weekly basis to the Health Data Committee created under Section 26-1-7:

(a) the health care provider name, address, and phone number;

(b) the unique NPI health care practitioner identification number;

(c) the date of the health care provider's referral of the patient for the imaging services;

(d) the type of examination performed on the patient by the health care provider;

(e) the billing codes associated with the examination;

(f) the clinical justification for the imaging services; and

(g) an attestation by the health care provider affirming that the report submitted to the Health Data Committee is accurate.

(5) Failure to comply with the requirements of this section is unprofessional conduct.